

**SUPREME COURT MINUTES
TUESDAY, FEBRUARY 3, 2004
SAN FRANCISCO, CALIFORNIA**

S118967

LOCKHON ON DISCIPLINE
Dismissal order filed

The supreme Court, having filed an order for disbarment in S120634 on February 3, 2004 hereby dismisses the above-entitled matter.

S119521

ALEXANDER (ANDRE S.) ON H.C.
Petition ordered stricken (case closed)

The petition for writ of habeas corpus filed in propria persona on October 6, 2003, is hereby order stricken. (See In re Barnett (2003) 31 Cal.4th 466, 469, 474.)

S119975

D037485 Fourth Appellate District,
Division One

PEOPLE v. ATHAR
Extension of time granted

to March 9, 2004 to file appellant's opening brief on the merits.

S070536

PEOPLE v. MACIEL (LUIS)
Counsel appointment order filed

appointing Melissa Hill to represent appellant for the direct appeal.

S080623

SUSPENSION OF ATTORNEYS PURSUANT TO
RULE 962, CALIFORNIA RULES OF COURT
Order filed

Having been provided proof of compliance to Family Code 17520, the suspension of **Gilbert Clemente Adauto** pursuant to our order filed on December 8, 2003, is hereby terminated. This order is final forthwith.

S102251

A093193 First Appellate District,
Division One

STATE FARM MUTUAL AUTO. INS. CO. v. JOHN
GARAMENDI, AS INSURANCE COMMISSIONER
Order filed

The request to allocate 15 minutes to respondent Insurance Commissioner of the State of Calif. and to allocate 15 minutes to respondent Southern Christian Leadership Conference of respondents' 30-minutes allotted time for oral argument is granted.

S109306

A094460 First Appellate District,
Division Five

DOWHAL v. SMITHKLINE BEECHAM CONSUMER
HEALTHCARE
Request for judicial notice granted

The request of defendants for judicial notice of the July 30, 2003 Food and Drug Administration letter is granted.

S121543

H023716 Sixth Appellate District

VAN'T ROOD v. COUNTY OF SANTA CLARA
Order filed

Appellant's request for additional extension of time to file the answer to the petition for review is hereby DENIED.

S119627

DAVIS ON DISCIPLINE
Recommended discipline imposed

It is ordered that **DANIEL M. DAVIS, State Bar No. 65589**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 13, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10

and payable in accordance with Business & Professions Code section 6140.7.

S120613**SHERIDAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **JOSEPH EDWARD SHERIDAN, State Bar No. 62759**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S120614**SPERLING ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **ANDREW J. SPERLING, State Bar No. 189965**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for two years and until he makes restitution to Judy Oyos (or the Client Security Fund, if appropriate) in the amount of \$7,500 plus 10% interest per annum from November 19, 2001; to Shawn Little (or the Client Security Fund, if appropriate) in the amount of \$2,500 plus 10% interest per annum from October 18, 2001, and furnishes satisfactory proof thereof to the Probation Unit of the State Bar, as recommended by the Hearing Department of the State Bar Court in its decision filed on October 7, 2003; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is also

ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of his actual suspension. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S120617

SPELGER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **ROBERT SPELGER, State Bar No. 160114**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 120 days actual suspension, recommended by the Hearing Department of the State Bar Court in its decision filed on September 17, 2003. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S120618

BERNEMAN ON DISCIPLINE

Recommended discipline imposed

It is ordered that **NORMA S. BERNEMAN, State Bar No. 161950**, be suspended from the practice of law for one year and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that she be placed on probation for one year subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on October 8, 2003. It is also ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S120619

BONILLA-SALCIDO ON DISCIPLINE

Recommended discipline imposed

It is ordered that **PEDRO BONILLA-SALCIDO, State Bar No. 127587**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 26, 2003. The period of probation be consecutive to that ordered in S108145 (State Bar Court case no. 00-O-10290). Costs are awarded to the State

Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005, 2006, 2007 and 2008.

S120621

BUTLER ON DISCIPLINE
Recommended discipline imposed

It is ordered that **TERRENCE L. BUTLER, State Bar No. 113383**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 25, 2003. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005 and 2006.

S120624

FITZGERALD ON DISCIPLINE
Recommended discipline imposed

It is ordered that **RONALD WILLIAM FITZGERALD, State Bar No. 80041**, be suspended from the practice of law for two years and until he complies with the requirements of standard 1.4(c)(ii), as set forth more fully below, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for six months and until he disgorges all compensation received from the Godnicks and delivers it to the United States Trustees' Office in Riverside, California and provides satisfactory proof of such to the State Bar's Office of Probation, as recommended by the Hearing Department of the State Bar Court in its decision filed on July 31, 2003, as modified by its Order Amending Decision filed October 21, 2003; and until the

State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. **Ronald William Fitzgerald** is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If **Ronald William Fitzgerald** is actually suspended for two years or more, he shall remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that **Ronald William Fitzgerald** take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that **Ronald William Fitzgerald** comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S120634

LOCKHON ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions

Code section 6086.10 and those costs be payable in accordance with section 6140.7 (as amended effective January 1, 1997).

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S122307

LEVINTHAL ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Malcolm Levinthal, State Bar No. 32209**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S122309

SERGOJAN ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **JULIE MARIE SERGOJAN, State Bar No. 110266**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

